S.B. CIVIL SECOND APPEAL NO.51/2007
(Jasveer Singh vs. State of Raj. & Ors.)

Date :: 19.02.2007

HON'BLE MR. JUSTICE PRAKASH TATIA

Mr.G.R. Goyal, for the appellant.

Learned counsel for the appellant submits that the appellant entered into agreement to purchase the agricultural land and thereafter the Irrigation Department started giving water supply by issuing the slip in the name of appellant. The appellant had impression that the respondents-defendants (Irrigation Department) may discontinue the water supply in the name of the appellant, thereafter appellant filed the suit for permanent injunction. The suit of the plaintiff was dismissed by the trial court by judgment and decree dated 06th April, 2005 after recording in para 11 of the judgment that defendants Nos.1 to 3 stated that no order has been passed by the defendants to discontinue the water supply. The plaintiff still preferred regular first appeal. The First Appellate Court also took note of the fact that the plaintiff failed to prove that his water supply is likely to be disconnected by the respondents-defendants. In the second appeal against the said judgment and decree, learned counsel for the appellant submitted that there is a standing order issued by the Executive Engineer, Irrigation Department, Sri

Ganganagar wherein it has been made clear that where there is a dispute about the immovable properties the Irrigation Department should not interfere and they should continue existing arrangement. However, according to the learned counsel for the appellant said order was passed on 19th April, 1976.

Be that as it may, in view of the fact that the defendants-respondents themselves disclose that they have not passed any order to disconnect the water supply to the appellant, I do not find any reason to entertain this second appeal. Further if there is a standing order to continue the existing water supply in a matter where the dispute is pending in the courts then also there is no reason to entertain this second appeal. The authorities are required to look into the orders before taking action and that fact can be pointed out by the appellant to the concerned authorities.

In view of the above, the second appeal of the appellant is disposed of.

[PRAKASH TATIA],J.

A.K. Chouhan/-